

KIRKLAND & ELLIS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

EPA Region 5 Records Ctr.



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Reed S. Oslan
To Call Writer Direct
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January 6, 1993

Mr. William K. Reilly
Administrator
U.S. Environmental Protection Agency
401 "M" Street S.W.
Washington, D.C. 20460

Re: Himco Dump Superfund Site, Elkhart, Indiana

Dear Mr. Reilly:

On behalf of Miles Inc. we are writing in regard to the Petition of Miles Inc., Himco Waste-Away Service, Inc., Elkhart General Hospital, and Truth Publishing Company to Delete the Himco Dump Superfund Site from the National Priorities List, submitted to your office on December 23, 1992. To date, we have not received any response from your office regarding our Petition, but there are several issues we would like to bring to your attention.

The substance of the Petition directly affects whether their should or will be further remedial activity at the Himco Site. U.S. EPA Region 5 now is in the process of reviewing detailed comments submitted by the Petitioners and other PRPs, but has not yet issued its Record of Decision. The resolution of the delisting Petition may eliminate the need to issue a ROD for further remedial activity at the Site. Thus, it would be legally improper to issue the ROD prior to a resolution of the delisting Petition.

We request an opportunity to discuss with personnel in your office the appropriate procedures to address the Petition. In particular, we would like to set forth a schedule to submit additional information to U.S. EPA, a schedule to meet with U.S. EPA's technical personnel regarding the Site, and to present our technical experts.

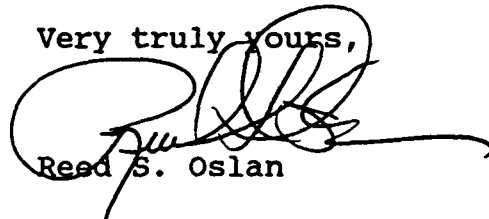
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Mr. Valdas Adamkus
January 6, 1993
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opportunity to make their respective positions clearly known prior to issuance of the ROD.

Please call me if you have any questions or comments. Otherwise, I look forward to receiving a response from your office in the near future.

Very truly yours,



Reed S. Oslan

RSO/ksp

cc: William K. Reilly
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